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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/886,231

06/21/2001

Frederik Carel Schoute

NL 000374

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02/23/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,231

Applicant(s)

SCHOUTE, FREDERIK CAREL

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/21/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 062101 and 091001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

**PHIRIN SAM****PRIMARY EXAMINER**

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a) because the figure 1 fails to show the labels as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains two paragraphs and "Fig. 2". Therefore, the examiner requests to rewrite this abstract and remove the "Fig. 2". See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,341,313 hereinafter referred to as "Kano" in view of US Patent 6,563,826 hereinafter referred to as "Shikama".

Kano discloses the invention (**claims 1 and 10**) as claimed including telecommunication switching arrangement (1) for switching digital data (see Fig. 2, element 101, col. 4, lines 43-44) contained in data packets (23) provided with a packet header (21) (see Fig. 2, col. 4, lines 58-61), the arrangement (1) comprising a cross-point switch (3) (see Fig. 2, element 101) for switching packets (23) from a plurality of input lines (5, 7) (see Fig. 2, elements 102 and 103) of the switch (1) (see Fig. 2, element 101) to an output line (11) (see Fig. 2, elements 104 and 105) of the switch (1), and a sequencer (see Fig. 2, elements 128 or 137) in the cross-point switch (3) (see Fig. 2, element 101) for determining a sequence in which the data packets (23) are to be switched to the output line (11) (see Fig. 2, col. 5, lines 38-67, and col. 6, lines 1-18), and a storage (5) for temporarily storing the data packets (23) (see Fig. 2, elements 121, 122, 130, 131, col. 6, lines

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58-61, and col. 6, lines 15-19), characterized in that the sequencer is operative to determine the sequence in which the data packets (23) are to be switched to the output line (11) (see Fig. 2, elements 128 and 137, col. 5, lines 49-52, col. 6, lines 6-9).

Kanoh does not explicitly disclose the first index and the second index of the packet. However, Shikama discloses the first index and the second index of the packet (see Fig. 1, col. 4, lines 45-52, col. 5, lines 15-32). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the first index and the second index of the packet teaching by Shikama with Kanoh. The motivation for doing so would have been to provide to controlling errors in the transmission of packets read on the abstract. Therefore, it would have been obvious to combine Shikama and Kanoh to obtain the invention as specified in the claims 1 and 10.

Regarding claim 2 and amended claims 3-4, Kanoh does not disclose the indices are arranged to contain multilevel values, the addition of the first index and the second index, and the multiplication of the first index and the second index. However, Shikama discloses the indices are arranged to contain multilevel values, the addition of the first index and the second index, and the multiplication of the first index and the second index (see Fig. 4a, col. 5, lines 37-55). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the indices are arranged to contain multilevel values, the addition of the first index and the second index, and the multiplication of the first index and the second index teaching by Shikama with Kanoh. The motivation for doing so would have been to provide to control errors in the transmission of the packets. Therefore, it would have been obvious to combine Shikama and Kanoh to obtain the invention as specified in the claims 2-4.

Allowable Subject Matter

6. Amended claims 5-7, 9, and claim 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: February 19, 2005

A handwritten signature in black ink, appearing to read 'Phirin', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**